

# MEMO ENDORSED

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May 2, 2021

**VIA ECF**

Honorable Andrew L. Carter Jr.  
United States Courthouse  
40 Foley Square  
New York, NY 10007

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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Re: ***United States v. Johnson (Dondre Myers)***  
**19-CR-828 (ALC)**

Dear Judge Carter:

I represent Dondre Myers in the above matter and write to request that his pretrial release conditions be modified. On December 10, 2019, Mr. Myers appeared for a bail review hearing before the Honorable Kevin Nathaniel Fox and was ordered released on a \$75,000 personal recognizance bond to be cosigned by three financially responsible persons, along with the following conditions of release:

- Pretrial Services supervision as directed;
- Surrender travel documents/refrain from applying for new travel documents;
- Travel restricted to the Southern and Eastern Districts of New York;
- Drug testing and treatment as directed by Pretrial Services;
- Home detention with location monitoring;
- Continue or seek employment; and
- No possession of a firearm, destructive device or other weapon.

Mr. Myers has been in compliance with these requirements since at least December 2, 2020. On December 1, 2020, Mr. Myers was arrested while traveling in a car and carrying \$24,402.00. The police determined that the funds were Mr. Myers' from a settlement. The arrest was for a warrant that predated his federal arrest and no further action was taken in state court. After his release, he admitted to Pretrial Services that he had not been forthcoming about losing his job and had actually been unemployed for several weeks. Mr. Myers had obtained new employment. Your Honor held a conference on December 15, 2020 and Mr. Myers' bail conditions were continued. Pretrial Services reports that Mr. Myers has been fully compliant since then and supports this motion for modification.

When considering an application to modify a Defendant's bail conditions, the Court is guided by the same 18 U.S.C. § 3142(g) factors used to determine whether bail is appropriate are the same one the Court relies on to determine whether a bail modification is warranted, *i.e.*, the nature and circumstances of the offenses charged, the weight of the evidence against the

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Defendant, the Defendant's personal characteristics and criminal history, and the nature of the danger to the community posed by the requested modification. *See* 18 U.S.C. § 3142(g). The Court must impose conditions that "will reasonably assure the appearance of the [Defendant at trial] as required and the safety of any other person and the community." *Id.* *See also United States v. Fishman*, No. 1:20-cr-160 (MKV), 2020 U.S. Dist. LEXIS 201796, at \*3 (S.D.N.Y. Oct. 28, 2020).

Since the Court has last seen Mr. Myers he has successfully completed the one-year program at Exodus Transitional Community, Inc. on February 21, 2021. A copy of the letter from Exodus is attached as Exhibit A.

The government opposes this request but would consent to the Court removing home detention and instituting a curfew from 9:00 pm to 9:00 am. However, those hours are incompatible with Mr. Myers' employment schedule. His work hours are currently 3:00 pm to 11:00 pm.

Wherefore, for the above-stated reasons, Mr. Myers respectfully requests that his bail be modified to remove the home detention with electronic monitoring. All other conditions would remain in force. Should the Court wish to institute a curfew rather than simply remove the home detention requirement, it is respectfully requested that the curfew be determined by Pretrial Services.

Respectfully submitted,



Meredith S. Heller

The application is **GRANTED**.  
So Ordered.

  
5/3/21

Cc: A.U.S.A. Mary Bracewell (via ECF)  
A.U.S.A. Ryan Finkel (via ECF)  
P.T.S. Officer Mohammed Ahmed (via email)

# EXHIBIT A



Feb. 25, 2021

Dondre Myers

**Congratulations Dondre!** We are glad to inform you that, you have been with Exodus for one year and have successfully completed our one-year program. After the completion of our year long program, we will no longer provide Case Management services. However, this does not mean that it's over—you are a lifetime member of our family. We hope that you will stay in touch and continue to avail yourself of the following resources:

Dondre could utilize our facilities on Thursdays 9am to 4:45pm weekly

- Utilize our computer lab for job searches and updating your resume
- Find out about job fairs and open calls posted on our employment boards
- Participate in any of our evening mentoring programs

We are proud of all the challenges you have overcome and successes you have had during your time with us. Your file will be closed, but we are here for you if you need us. We look forward to hearing about the great things to come.

Thank you for your participation.

Sincerely,

*Daniel Tauriello*  
Contract Coach/Case Manager

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